

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

CHARLES M. LOGAN,)	
)	
Plaintiff,)	
)	
vs.)	NO. CIV-05-1041-HE
)	
JOHN WHETSEL, et al.,)	
)	
Defendants.)	

ORDER


This case is before the Court on the Report and Recommendation of Magistrate Judge Doyle W. Argo. Plaintiff, a prisoner appearing pro se, brings this action pursuant to 42 U.S.C. § 1983. Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred to Judge Argo for review. On November 30, 2005, Judge Argo issued his Report and Recommendation, recommending that the complaint be dismissed without prejudice based on plaintiff's failure to pay the filing fee.

Plaintiff has not filed an objection to the Report and Recommendation. Therefore, further review of the issues contained therein is waived. United States v. One Parcel of Real Prop., 73 F.3d 1057, 1059-60 (10th Cir. 1996). See 28 U.S.C. § 636(b)(1)(c); LCvR72.1(a). For this reason, and for the reasons contained in the Report and Recommendation, the Court concludes the complaint should be dismissed without prejudice.

Accordingly, the Report and Recommendation is **ADOPTED** in its entirety and the complaint is **DISMISSED** without prejudice.

IT IS SO ORDERED.

Dated this 9th day of January, 2006.



JOE HEATON
UNITED STATES DISTRICT JUDGE